



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

LTG:CAO

*610 Federal Plaza
Central Islip, New York 11722*

May 6, 2011

VIA HAND DELIVERY AND ECF

The Honorable Joseph F. Bianco
United States District Court
Eastern District of New York
920 Federal Plaza
Central Islip, New York 11722

Re: United States v. Michael Romano, et al.
Criminal Docket No. 09-168 (JFB)

Dear Judge Bianco:

The government writes to advise the Court of a specific evidentiary issue that may arise during the trial. As the Court is aware, this case involves the telemarketing of overgraded and overvalued coins. At trial, the government intends to introduce a large number of the actual coins that were purchased from the defendants which were subsequently graded by a third-party grading service. The defendants have indicated that they intend to challenge the chain of custody for these coins. Apparently, through this challenge, the defendants ultimately seek to prevent the admission of both the actual coins and the experts' opinions on the actual grades and values of the coins. The grading argument, as the government understands it, is premised upon the argument that the coins must have been diminished in quality in the process of gathering and shipping them to the third-party grading experts.

There are consequences to the defendants' evidentiary position, however. Nearly half of the witnesses called by the government will testify as to this specific issue. Among other things, roughly one dozen postal inspectors who shipped the coins to the graders will have to testify on these issues. Their testimony will related to no other trial issues. In total, nearly a week of trial time will be devoted to this one issue.

The government submits that all of these issues go to the weight and not the admissibility of the challenged evidence. With this letter, however, the government is not asking for a preliminary ruling. The Court will obviously have to evaluate the issue in the context of the actual trial. This letter is merely intended to provide the Court with some context for these evidentiary issues as they come up during the trial.

Respectfully submitted,

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By: /s/
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